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Getting to yes

Professor Kim Diana Connolly represents the U.S. in tough global wetlands negotiation



Professor Kim Diana Connolly, vice dean for legal skills and director of the Law School's clinical program, traveled to Bucharest, Romania, as part of the U.S. delegation to the 11th Conference of the Parties of the Ramsar Wetlands Convention, held July 6 to 13.

It's not often that one has the chance to represent the interests of the United States in the midst of a crowd of delegates from 162 nations. But that was the experience that SUNY Buffalo Law Professor Kim Diana Connolly, whose scholarship has focused on wetlands law, had in Bucharest, Romania, in early July.

The occasion was familiarly known as COP11, or more formally, the 11th Meeting of the Conference of the Contracting Parties to the Ramsar Convention on Wetlands. The Ramsar Convention, signed in Iran in 1971, seeks to stem the loss of wetlands and promote their economic, cultural, scientific and recreational value. Signatories to the treaty, including the United States, meet every three years to consider further resolutions on wetlands preservation and update each other on their work on behalf of wetlands in their countries.

Connolly, who serves as chair of the U.S. National Ramsar Committee, was there as a member of the U.S. delegation. She has published several articles

on the treaty, and notes that 34 U.S. sites have been designated as Ramsar wetlands – as small as a protected area on the Ohio State University campus, and as big as the Florida Everglades. Worldwide, over 2,000 wetlands have been designated as being of international importance.

The designation, Connolly says, imposes very limited legal obligations on the country where the wetlands are located, but carries a kind of moral suasion that can protect the sites from encroachment and development.

The major work of the 10-day conference was hammering out resolutions that deal with wetlands. Connolly was the lead person for the U.S. delegation on a resolution asserting that global climate change has significant impact on wetland resources, that countries should institute measures to protect wetlands against its effects and prepare for a changing planet, and that scientists associated with the Secretariat should engage in serious efforts to study the matter.

Her working group, she says, met early in the mornings before the daily plenary sessions began at 10 a.m., then reconvened at 6:15 p.m. and worked late – sometimes till 1 a.m. “Part of the process of international negotiation is allowing people the time and space to make their statements,” she says. “If you just relax into the process and know that people just need to say what they need to say, the work can get done and win-win solutions can be crafted.”

Working line by line, word by word, they finally crafted a resolution that all the delegates could endorse. They fin-

ished it literally at the last minute, huddled on a balcony of the national Parliament building overlooking the main avenue of Budapest.

Her role, Connolly says, was to serve a client, in this case the U.S. State Department, which was in favor of a resolution but needed some changes before approval. “It’s an honor to represent the U.S.,” she says, “but I’m speaking on behalf of the United States of America, which just feels really different than my normal wetlands work.”

Because of the resolution, she says, the Ramsar Convention’s scientific and technical review panel will get to work examining the impact of global climate change on wetlands. “We’re the unique convention working on the intersection on wetlands and climate change,” Connolly says. “Wetlands are horribly affected by climate change; they can be inundated, and their characteristics can change. But wetlands can also provide a strong opportunity for mitigation against climate change,” in such areas as flood protection and preservation of water quality. The gravitas of a Ramsar Convention resolution, she says, should inform the internal deliberations of member nations.

The resolution process may seem like a debate team’s worst nightmare, but Connolly says it provides fodder for the classroom. “I will teach multilateral negotiation by using this example, so I have more teaching opportunities for my students,” she says. “I came back with great stories and pictures, and they engage more in learning about the nuts and bolts of negotiation by hearing about this and seeing the pictures. It’s how real negotiation works.” Connolly adds that the working group “would have gotten to a resolution without me, but one of the things I did in the working group was that I spoke as a law professor who teaches negotiation, and thus helped people procedurally work through the process.”

And personally, Connolly says, “Just the energy of 10 days with a whole bunch of people who care with all their heart and soul about wetlands really lifts me up as a scholar.”